

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:01-md-01428-SAS-THK

In Re: Ski Train Fire, et al v. , et al

Assigned to: Judge Shira A. Scheindlin

Referred to: Magistrate Judge Theodore H. Katz

Magistrate Judge Theodore H. Katz (Settlement)

Demand: \$0

Member case: ([View Member Case](#))

Related Cases: [1:01-cv-10777-SAS](#)

[1:01-cv-10778-SAS](#)

[1:02-cv-02491-SAS](#)

[1:02-cv-02492-SAS](#)

[1:03-cv-05324-SAS](#)

[1:03-cv-06351-SAS](#)

[1:01-cv-10776-SAS](#)

[1:03-cv-07552-SAS](#)

[1:07-cv-03881-SAS](#)

[1:03-cv-07507-SAS](#)

[1:03-cv-08960-SAS](#)

[1:03-cv-08961-SAS](#)

[1:07-cv-00935-SAS](#)

[1:04-cv-04966-SAS](#)

[1:04-cv-01403-SAS](#)

Case in other court: 02-07391

Cause: 28:1332 Diversity-Personal Injury

Plaintiff

Rudolf Kern

represented by **Edward Davis Fagan**
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		relates to 03-8960 and 03-8961. (rjm) (Entered: 06/22/2007)
06/25/2007	<u>300</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE - NOTICE of of Filing of 28 USC Sec 144 Declaration of Bias. Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit of Bias pursuant to 28 USC Sec 144 submitted by Dr. Bernd Geier# <u>2</u> Appendix Signature Page of Dr. Bernd Geier# <u>3</u> Affidavit of Bias pursuant to 28 USC 144 submitted by Dr. Toichiro Kigawa# <u>4</u> Appendix Signature Page of Dr. Toichiro Kigawa)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/25/2007)
06/26/2007	<u>301</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE - NOTICE of of Filing of Exhibits to Geier and Kigawa Affidavits of Bias pursuant to 28 USC Sec. 144 re: (45 in 1:07-cv-00935-SAS) Notice (Other), Notice (Other). Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Exhibit 2 to Kigawa and Geier Affidavits of Bias# <u>2</u> Exhibit 3 a to Geier and Kigawa Affidavits of Bias# <u>3</u> Exhibit 3 b to Geier and Kigawa Affidavits of Bias# <u>4</u> Exhibit 4 to Geier and Kigawa Affidavits of Bias# <u>5</u> Exhibit 5 to Geier and Kigawa Affidavits of Bias# <u>6</u> Exhibit 9 a to Geier and Kigawa Affidavits of Bias# <u>7</u> Exhibit 9 b to Geier and Kigawa Affidavits of Bias# <u>8</u> Exhibit 10 to Geier and Kigawa Affidavits of Bias# <u>9</u> Exhibit 11 to geier and Kigawa Affidavits of Bias# <u>10</u> Exhibit 12 to Geier and Kigawa Affidavits of Bias# <u>11</u> Exhibit 13 to Geier and Kigawa Affidavits of Bias# <u>12</u> Exhibit 14 to Geier and Kigawa Affidavits of Bias# <u>13</u> Exhibit 15 to Geier and Kigawa Affidavits of Bias)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) Modified on 6/26/2007 (GF). (Entered: 06/26/2007)
06/26/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Edward Fagan to MANUALLY RE-FILE Document NOTICE OF CHANGE OF ADDRESS #296, NOTICE of of Filing #300, NOTICE of Filing #301. This case is not ECF. (gf) (Entered: 06/26/2007)
06/27/2007	<u>303</u>	NOTICE of Filing of 28 USC Sec. 144 Declaration of Bias. Document filed by Masatoshi Mitsumoto. This Document relates to 03-8960, 03-8961, 06-2811, 07-935, 07-3881. (rjm) (Entered: 06/28/2007)
07/01/2007	<u>304</u>	NOTICE of of Filing of 28 June 2007 Supplemental Affidavit of Bias pursuant to 28 USC Sec 144 by Dr. Bernd Geier re: Note to Attorney to Re-File Document - Non-ECF Case Error,, (45 in 1:07-cv-00935-SAS) Notice (Other), Notice (Other), Notice (Other), (47 in 1:07-cv-00935-SAS) Notice (Other), Notice (Other), Notice (Other), Notice (Other), Notice (Other). Document filed by Geier, Hermann. (Attachments: # <u>1</u> Affidavit 28 June 2007 Supplemental Affidavit of Bias pursuant to 28 USC Sec 144 by Dr. Bernd Geier# <u>2</u> Supplement Geier Signature Page# <u>3</u> Supplement Fagan Signature Page# <u>4</u> Exhibit 1 Stieldorf 21 Aug 2006 Emailed Letter to Judge Scheindlin# <u>5</u> Exhibit 2 - Judge Scheindlin 21 Aug 2006 Email to Counsel with Steildorf Letter# <u>6</u> Exhibit 3 Judge Scheindlin 6 June 2007 Email Regarding Ex Parte Conversation with Witness Rosa)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) (Entered: 07/01/2007)

07/04/2007	<u>305</u>	MOTION for Extension of Time to <i>File Motions for Relief from Opinion and Order Entered on 20 June 2007, Including Relief pursuant to Local Rule 6.3, FRCP 60 (b), Motion to Supplement the Record, Motion for Intervention Pursuant to FRCP 24 (b) and Motion to Disqualify Court Pursuant to 28 USC Sec. 144 & 455.</i> Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit of Fagan and Geier in Support of Motion# <u>2</u> Supplement Fagan and Geier Affidavit Signature Page# <u>3</u> Exhibit 1 to Fagan and Geier Affidavit - Documents to Supplement Record# <u>4</u> Exhibit 2 to Fagan and Geier Affidavit - Instances of Errors & Abuse of Discretion, as well as Instances of Alleged Bias, Prejudice and Ex Parte Contacts requiring Recusal)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) (Entered: 07/04/2007)
07/05/2007	<u>306</u>	DECLARATION of Ed Fagan and Dr. Bernd Geier in Support re: (49 in 1:07-cv-00935-SAS) MOTION for Extension of Time.. Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Supplement Fagan and Geier Signature Page# <u>2</u> Exhibit 1 English Translation Excerpts of July 2007 German Prosecutors Report# <u>3</u> Exhibit 2 - July 2007 Transmittal of German Prosecutor's Report to Dr. Hasslacher# <u>4</u> Exhibit 3 - German Prosecutor's Report July 2007# <u>5</u> Exhibit 4 - German Prosecutor's Report News Articles)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) (Entered: 07/05/2007)
07/09/2007	<u>307</u>	JUDGMENT That for the reasons stated in the Court's Opinion and Order dated June 19, 2007, all five actions within this MDL brought solely on behalf of foreign plaintiffs on the grounds of forum non conveniens are dismissed; accordingly, these cases, [Nos. 03 civ. 8960; 03 Civ. 8961; 06 Civ. 2811; 07 Civ. 0935; and 07 Civ.3881], are closed. (Signed by J. Michael McMahon, clerk on 7/09/07) (ml) (Entered: 07/09/2007)
07/09/2007	<u>308</u>	ORDER. Effective immediately, the parties are directed not to submit any further emails to the Court. This Document relates to All Actions. (Signed by Judge Shira A. Scheindlin on 7/6/07) (rjm) (Entered: 07/09/2007)
07/09/2007	<u>309</u>	MOTION for Miscellaneous Relief; for Extension of Time until 7/19/07 to File Motion for Reconsideration under Local Rule 6.3 and FRCP 60(b)., MOTION for Recusal under 28 usc 144 & 455., MOTION to Intervene under FRCP 24., MOTION for hearing to supplement and Clarify the Record and for other relief. Document filed by Carol Baker, Rudolf Kern, Angela Kern, John S. Habblett, Masatoshi Mitsumoto, Suzanne K. Habblett, Dick Baker. This Document relates to 03-8960, 03-8961, 06-2811, 07-935, 07-3881.(rjm) (Entered: 07/09/2007)
07/09/2007	<u>310</u>	NOTICE of Filing of Supplemental Declaration of Bias Pursuant to 28 USC 144 by Dr. Bernd Geier. This Document relates to 03-8960, 03-8961, 06-2811, 07-935, 07-3881. (rjm) (Entered: 07/09/2007)
07/09/2007	<u>311</u>	SUPPLEMENTAL DECLARATION of Edward D. Fagan and Dr. Bernd Geier in Further Support re: [309] MOTION for Extension of Time to File. MOTION for Recusal. MOTION to Intervene. MOTION hearing to supplement and

		Clarify the Record and for other relief. This Document relates to 03-8960, 03-8961, 06-2811, 07-935, 07-3881. (rjm) (Entered: 07/09/2007)
07/10/2007	312	TRANSCRIPT of proceedings held on 12/16/04 before Judge Shira A. Scheindlin. (jbe) (Entered: 07/10/2007)
07/31/2007	314	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Edward D. Fagan dated 6/26/07 re: Request for a brief extension of time until 7/31/07 within which to file additional documents, including Declarations, Affidavits and Memorandum of Law, in support of Plaintiffs Motion for Reconsideration of the 6/19/07 Decision & Order. ENDORSEMENT: Plaintiffs' request is granted. Plaintiffs shall file their motion for reconsideration by the close of business on 7/31/07. Defendants shall file their opposition by August 21; Plaintiffs reply, if any, shall be due 9/3/07., No further adjournments for any reason. Set Deadlines/Hearing as to (313 in 1:01-md-01428-SAS-THK, 51 in 1:07-cv-00935-SAS) MOTION for Reconsideration re; Clerk's Judgment, <i>and for Other Relief</i> : Responses due by 8/21/2007 Replies due by 9/3/2007. (Signed by Judge Shira A. Scheindlin on 7/26/07) Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS. This document also relates to 03-8960, 03-8961, 06-2811.(rjm). (Entered: 08/01/2007)
07/31/2007	315	MOTION for Miscellaneous Relief as follows (i) Reconsideration and other relief purs. to Local Rule 6.3 & FRCP 60(b), (ii) Granting prior motions against Omnidglow Corp./Cyalume Technologies for preclusion; (iii) Granting Plaintiffs' permission to intervene in existing cases against Omnidglow Corp. & Bosch Rexroth Corp. (iv) Convening a final pre-trial conference related to claims Omnidglow Corp./Cyalume Technology and Bosch Rexroth Corp. and scheduling cases for immediate trials; (v) Permitting plaintiffs to amend complaints to state new causes of action in accordance with Ross v Louise Wise Serv. Inc. (vi) and for other just and equitable relief. This Document relates to 03-8960, 03-8961, 06-2811, 07-935, 07-3881. Document filed by Carol Baker(on behalf of the Estate of Carrie Lynn Baker), Rudolf Kern, Angela Kern, John S. Habblett, Masatoshi Mitsumoto, Suzanne K. Habblett, Dick Baker.(rjm) (Entered: 08/09/2007)
08/01/2007	313	MOTION for Reconsideration re; Clerk's Judgment, <i>and for Other Relief</i> . Document filed by Masatoshi Mitsumoto. (Attachments: # <u>1</u> Affidavit Edward Fagan# <u>2</u> Appendix Fagan Signature Page# <u>3</u> Affidavit Dr. Bernd Geier# <u>4</u> Affidavit Dr. Ivo Greiter# <u>5</u> Affidavit Dr. Herwig Hasslacher# <u>6</u> Affidavit Dr. Gerhard Podovsovnik# <u>7</u> Affidavit Nanae & Masatoshi Mitsumoto# <u>8</u> Appendix Mitsumoto Signature Pages# <u>9</u> Affidavit Dr. Carl Abraham# <u>10</u> Affidavit Ken Torres# <u>11</u> Exhibit Potential Witness List# <u>12</u> Exhibit Potential Evidence List)Filed In Associated Cases: 1:01-md-01428-SAS-THK, 1:07-cv-00935-SAS(Fagan, Edward) (Entered: 08/01/2007)
08/09/2007	316	TRANSCRIPT of proceedings held on 7/11/07 before Judge Shira A. Scheindlin. (jbe) (Entered: 08/09/2007)
08/13/2007	317	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Edward D.

Fagan dated 8/9/07 re: that the Court "So Order" this letter to incorporate October 1, 2007 as the due date for Plaintiffs' Reply to Defendants' Response.
ENDORSEMENT: Plaintiffs' request is granted. Plaintiffs must file their reply to Defendants' response to the motion for reconsideration by 10/1/07. Replies due by 10/1/2007. This Document relates to 03-8960, 03-8961, 06-2811, 07-935. (Signed by Judge Shira A. Scheindlin on 8/9/07) (rjm) (Entered: 08/14/2007)

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